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RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLAZA
SUITE 1600
IRVINE, CALIFORNIA 92614-2558
tel +1-949-567-6700
fax +1-949-567-6710
WWW.ORRICK.COM

March 5, 2009

VIA FACSIMILE (408.535.5410)

Honorable Magistrate Judge Howard Lloyd
Federal District Court for the Northern District of California
280 South 1st Street
Fifth Floor, Courtroom 2
San Jose, CA

Thomas J. Gray
(949) 852-7764
tgray@orrick.com

RECEIVED
MAR 06 2009

Re: *Facebook v. StudiVZ LTD., et al*, Case No. 08 CV 03468 JF

Dear Judge Lloyd:

I write pursuant to the Court's Order directing the parties to send proposed language regarding Facebook's pending Motion to Compel Complete Discovery Responses from Defendants StudiVZ, Ltd., Holtzbrinck Networks GmbH and Holtzbrinck Ventures GmbH. Rather than proposing language on individual discovery requests, Facebook has followed the Court's lead and grouped requests according to category.

CATEGORY ONE: Discovery Relating to "Accessing" Facebook's Site and Code

All Defendants shall respond to Facebook's interrogatories by identifying Defendants' employees, agents, contractors, or others who are, or were, involved or assisted in the creation, design, development, and implementation of www.studivz.net, www.schuelervz.net, www.meinvz.net, www.estudiln.net, www.studigq.fr, www.studiln.it, www.studentix.pl, (the "StudiVZ Websites") and who accessed Facebook's website or source code for commercial purposes (i.e. in the scope, course and conduct of their employment rather than for purely personal use) from 2005 until July 18, 2008. In addition, Defendants shall produce all documents (including but not limited to technical plans and documentation, designs, charts, communications, emails, memos, and screenshots) that refer or relate to the accessing of Facebook's website or source code for commercial purposes by the individuals identified in the responses to the "access" interrogatories.

CATEGORY TWO: Discovery Relating to the Design and Development of the StudiVZ Websites

All Defendants shall respond to Facebook's interrogatories by identifying the core group of Defendants' employees, agents, contractors, or others who are, or were, involved in the creation, design, development, and implementation of the StudiVZ Websites (as defined above) (the "Core Design Custodians"). In addition, Defendants shall produce all documents (including but not limited to technical plans and documentation, designs, charts, communications, emails, memos, and screenshots) that were authored, sent, or received by the Core Design Custodians that refer or relate



Honorable Magistrate Judge Howard Lloyd

March 5, 2009

Page 2

to the design, development and implementation of the StudiVZ websites from 2005 to July 18, 2008. Defendants are instructed to produce, at a minimum, such documents referring or relating to: (1) the StudiVZ website as originally launched in approximately October/November 2005; (2) the initial launches of the meinVZ.net, schulervz.net, estudiln.net, studiqq.fr, studiln.it and studentix.pl sites; (3) the updated version of the StudiVZ site launched on or about September 2006 when a photo-tagging feature ("*fotos verlinken*") similar to Facebook's feature was added; and (4) the updated version of the StudiVZ site launched on or about June 2007 that added a "user status" box (e.g., "Peter is happy today"), which is similar to Facebook's feature.

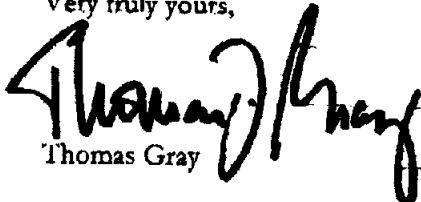
CATEGORY THREE: Discovery Relating to StudiVZ's Source Code

Defendants shall produce source code for (1) the StudiVZ site as originally launched in approximately October/November 2005; (2) the initial launch of meinVZ.net (StudiVZ's English language site); (3) the updated version of the StudiVZ site launched on or about September 2006 when a photo-tagging feature ("*fotos verlinken*") similar to Facebook's feature was added; and (4) the updated version of the StudiVZ site launched on or about June 2007 that added a "user status" box (e.g., "Peter is happy today"), which is similar to Facebook's feature.

CATEGORY FOUR: Discovery Relating to Defendants' Contracts with California Entities

All Defendants shall respond to Facebook's discovery requests by identifying and producing all contracts, including contracts of adhesion, entered into or executed between 2005 and 2008 in which California law governs, California federal or state court jurisdiction is applied, California state or federal courts are identified as proper venues, or in which at least one of the parties to or beneficiaries of the contract resides or is domiciled in California, provided that such contracts were entered into by Defendants and/or their employees or agents in the scope, course, conduct and/or in furtherance of their employment or agency relationship and not for personal reasons.

Very truly yours,



Thomas Gray



ORRICK, HERRINGTON & SUTCLIFFE LLP
4 PARK PLAZA
SUITE 1600
IRVINE, CALIFORNIA 92614-2558
tel +1-949-567-6700
fax 949-567-6710
WWW.ORRICK.COM

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name

tel

Thomas J. Gray

(949) 852-7764

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name

company/firm

tel

fax

Honorable Judge Lloyd

Federal District Court for
the Northern District of
California

408.535.5410

RE Facebook v. StudiVZ, et al., Case No. 5:08-cv-03468

MESSAGE

C-M-A 16069.2005

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